

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 21, 2018**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael A. McGuffey Case Number: 0980 2:13CR00025-RMP-1

Address of Offender: [REDACTED] Spokane Valley, Washington 99016

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: August 6, 2013

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2)

Original Sentence: Prison - 60 months Type of Supervision: Supervised Release
TSR - 240 months

Asst. U.S. Attorney: Stephanie Joyce Lister Date Supervision Commenced: January 17, 2018

Defense Attorney: Federal Defender's Office Date Supervision Expires: January 16, 2038

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<u>Special Condition #14:</u> You shall not possess or use any computer with access to any on-line computer service without the prior approval of the supervising officer. This includes any Internet service provider, bulletin board system, and any other public or private computer network. You shall not have access to a modem during your term of supervision without the prior approval of the supervising officer.

Supporting Evidence: Michael McGuffey violated the terms of his supervised release by being in possession of computer devices that were not previously approved by the United States Probation Office, on or about December 20, 2018.

On January 17, 2018, supervision commenced in this matter. On January 18, 2018, Michael McGuffey reported to the U.S. Probation Office for the purposes of completing a supervision intake. At that time, his conditions of supervision were explained to him, which included the above-noted special condition #14. Mr. McGuffey was given permission to utilize a personal cell phone, which he was directed to install Covenant Eyes on.

On December 20, 2018, the Federal Bureau of Investigations (FBI) executed a search warrant at Mr. McGuffey's residence. Among items located and confiscated were his personal phone, that he was authorized to have, five cellular phones (all separate from the one he was given permission to have), three secure digital (SD) cards, two universal serial

Prob12C

Re: McGuffey, Michael A.
December 21, 2018
Page 2

bus (USB) drives, a laptop computer, a hard drive, and a receipt for three more SD cards. Mr. McGuffey claimed ownership of all items confiscated.

Mr. McGuffey sleeps in a detached building in the backyard of the residence. The majority of the items were located in this building, and were located in areas such as under his bed and in boxes. The laptop computer was located in the garage, and the hard drive was located in a drawer in the main residence, however, the box to the hard drive was located in the building he sleeps in.

As previously noted, Mr. McGuffey was only permitted to have use of one cellular phone, which Covenant Eyes was installed on.

2 **Special Condition #22:** You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use.

Supporting Evidence: Mr. McGuffey violated the terms of his supervised release by being in possession of unauthorized computer devices and not installing monitoring software on them, on or about December 20, 2018..

On January 17, 2018, supervision commenced in this matter. On January 18, 2018, Michael McGuffey reported to the U.S. Probation Office for the purposes of completing a supervision intake. At that time, his conditions of supervision were explained to him. Mr. McGuffey was given permission to utilize a personal cell phone, which he was directed to install Covenant Eyes on.

On January 19, 2018, Mr. McGuffey agreed to a waiver of hearing to modify conditions of supervised release, to have condition #22 added to his terms of supervised release.

On December 20, 2018, the Federal Bureau of Investigations (FBI) executed a search warrant at Mr. McGuffey's residence. Among items located and confiscated were his personal phone, that he was authorized to have, five cellular phones (all separate from the one he was given permission to have), three secure digital (SD) cards, two universal serial bus (USB) drives, a laptop computer, a hard drive, and a receipt for three more SD cards. Mr. McGuffey claimed ownership of all items confiscated.

As previously noted, Mr. McGuffey was only permitted to have use of one cellular phone, which Covenant Eyes was installed on.

Mr. McGuffey was not given permission, nor did he request permission, to have possession of or utilize other computer devices, thereby not allowing the installation of monitoring software.

3 **Special Condition #18:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, and credit cards.

Prob12C

Re: McGuffey, Michael A.

December 21, 2018

Page 3

Supporting Evidence: Michael McGuffey violated the terms of his supervised release by having possession of pornography videos, on or about December 20, 2018.

On January 17, 2018, supervision commenced in this matter. On January 18, 2018, Michael McGuffey reported to the U.S. Probation Office for the purposes of completing a supervision intake. At that time, his conditions of supervision were explained to him, which included the above-noted special condition #18.

On December 20, 2018, the Federal Bureau of Investigations (FBI) executed a search warrant at Mr. McGuffey's residence. Among items located was a digital video disc (DVD) which contained videos of adult pornography. This DVD was located in his sleeping area. He admitted ownership of the item to the FBI.

The U.S. Probation Office respectfully recommends the Court issue a **summons** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/21/2018

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

12/21/2018

Date